



Tribunal Pénal International pour le Rwanda
International Criminal Tribunal for Rwanda

28/H

CF

ICTR-98-41-A
16th January 2009
{29/H - 27/H}

IN THE APPEALS CHAMBER

Before: Judge Mehmet Güney, Pre-Appeal Judge

Registrar: Mr. Adama Dieng

Decision of: 16 January 2009

ICTR Appeals Chamber

Date: 16 January 2009

Action: R. Jambir

Copied To: Concerned Judge

Partier, Archives, LOs
LSS
[Signature]

THE PROSECUTOR

v.

**Théoneste BAGOSORA
Gratien KABILIGI
Aloys NTABAKUZE
Anatole NSENGIYUMVA**

Case No. ICTR-98-41-A

JUDICIAL RECORDS ARCHIVE
1 2009 JAN 19 11 A 10:00
[Signature]

**DECISION ON PROSECUTION'S MOTION FOR EXTENSION OF TIME
FOR FILING NOTICE OF APPEAL**

Office of the Prosecutor

Hassan Bubacar Jallow
Alex Obote-Odora
George Mugwanya

Defence Counsel

Raphaël Constant for Théoneste Bagosora
Paul Skolnik for Gratien Kabiligi
Peter Erlinger for Aloys Ntabakuze
Kennedy Ogetto for Anatole Nsengiyumva

International Criminal Tribunal for Rwanda
Tribunal pénal international pour le Rwanda

CERTIFIED TRUE COPY OF THE ORIGINAL SEEN BY ME
COPIE CERTIFIÉE CONFORME À L'ORIGINAL PAR NOUS

NAME / NOM: KOFFI... KUMELID... A... AFANDÉ...

SIGNATURE: *[Signature]* DATE: 16/01/2009

[Signature]

I, Mehmet GÜNEY, Judge of the Appeals Chamber of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States Between 1 January and 31 December 1994 ("Tribunal"), and Pre-Appeal Judge in this case,¹

NOTING that Trial Chamber I of the Tribunal pronounced its judgement against Théoneste Bagosora, Gratien Kabiligi, Aloys Ntabakuze and Anatole Nsengiyumva on 18 December 2008 and announced that the written Trial Judgement would be "available in the coming days";²

NOTING that the written Trial Judgement has not yet been filed;

NOTING my "Decision on Prosecution's Motion for Extension of Time for Filing Notice of Appeal" issued on 15 January 2009 in the case *The Prosecutor v. Gratien Kabiligi*;

BEING SEIZED OF the "Prosecutor's Motion for an Extension of Time to File a Notice of Appeal" filed by the Prosecution on 15 January 2009 ("Motion"), in which it requests that the thirty-day time limit for filing the notice of appeal *vis-à-vis* Théoneste Bagosora, Aloys Ntabakuze and Anatole Nsengiyumva start running from the date the written judgement is issued on the ground that it needs access to the full reasoning of the Trial Judgement in order to identify errors by reference to specific passages or paragraphs;

CONSIDERING that under Rule 108 of the Rules of Procedure and Evidence of the Tribunal ("Rules"), "[a] party seeking to appeal a judgement or sentence shall, not more than thirty days from the date on which the judgement or the sentence was pronounced, file a notice of appeal, setting forth the grounds";

CONSIDERING therefore that the Prosecution's notice of appeal should be filed no later than 19 January 2009;

CONSIDERING however that Rule 116(A) of the Rules provides that the Pre-Appeal Judge may grant a motion to extend a time limit upon a showing of good cause;

¹ Order Assigning Judges in a Case before the Appeals Chamber and Assigning a Pre-Appeal Judge, 16 January 2009.

² T. 18 December 2008 p. 2.

FINDING that the delayed filing of the written Trial Judgement after its pronouncement constitutes good cause for extending the deadline for filing the notice of appeal so as to allow the Prosecution to fully acquaint itself with the Trial Judgement prior to doing so;

FOR THE FOREGOING REASONS,

GRANT the Motion; and

ORDER the Prosecution to file its notice of appeal no later than thirty (30) days from the date of the filing of the written Trial Judgement.

Done in English and French, the English version being authoritative.

Done this sixteenth day of January 2009,
At The Hague, The Netherlands



Judge Mehmet Güney
Pre-Appeal Judge



[Seal of the Tribunal]